

### REMARKS

The foregoing amendments and the following remarks are responsive to the June 17, 2009 Office Action (the "Office Action").

Claim Rejections – 35 U.S.C. 103 – Claims 1-5, 10-20, 22, and 24-29:

Claims 1-5, 10-20, 22, and 24-29 were rejected under 35 U.S.C. 103(a) as being unpatentable over International Publication No. WO 84/01904 ("Swanbeck") in view of U.S. Patent No. 5,055,198 ("Shettigar"). Respectfully stated, none of Claims 1, 2-5, 10, 12-13, 15, 18 and 20 is disclosed, suggested, or rendered obvious over Swanbeck in view of Shettigar. Claims 11, 16 and 17 have been canceled.

Regarding Applicants' amended Claim 1, Applicants submit that Swanbeck in view of Shettigar does not disclose, suggest, or render obvious, inter alia, an apparatus for irrigating, supplying thermal energy to, and cleansing wounds, comprising: a fluid flow path, comprising: a conformable wound dressing, comprising a backing layer which is capable of forming a relatively fluid-tight seal or closure over a wound and a wound-facing face, at least one inlet pipe passing through and/or under the wound-facing face and directly or indirectly communicating with at least a fluid reservoir, and at least one outlet pipe passing through and/or under the wound-facing face, wherein a relatively fluid-tight seal or closure is formed over the wound at the point at which each inlet pipe and each outlet pipe passes through and/or under the wound-facing face; a means for fluid cleansing in direct or indirect communication at least with the outlet pipe; and a fluid recirculation tube for directing cleansed fluid from the means for fluid cleansing back into the inlet pipe without passing through the reservoir so that at least nutrients, molecules, factors, physiologically active components and/or other components from the wound dressing that aid in proliferation or that are favorable to the wound healing process are returned to the wound; a device for moving fluid through at least the wound dressing and the means for fluid cleansing; a means for supplying thermal energy to at least the recirculated fluid provided to the wound so as to maintain the wound at a temperature between 34 and 40 degrees Celsius to optimize the metabolic activities of physiologically active components within the wound dressing and promote wound healing, and a means for bleeding the fluid flow path to bleed fluid from the recirculation tube to relieve pressure within the fluid flow path.

For example and without limitation, as discussed during the interview, Applicants submit that Swanbeck in view of Shettigar does not disclose, suggest, or render obvious, inter alia, an apparatus for irrigating, supplying thermal energy to, and cleansing wounds, comprising a fluid recirculation tube for directing cleansed fluid from the means for fluid cleansing back into the inlet pipe “without passing through the reservoir” or a means for bleeding the fluid flow path to bleed fluid from the recirculation tube “to relieve pressure within the fluid flow path.”

Regarding Applicants’ amended Claim 14, Applicants submit that Swanbeck in view of Shettigar does not disclose, suggest, or render obvious, inter alia, a method of treating a wound, comprising: providing a conformable wound dressing having a cover configured to form a relatively fluid-tight seal around at least a portion of a wound; providing an apparatus for irrigating and/or cleansing a wound comprising: at least one inlet pipe configured to communicate with the cover and configured to provide a fluid conduit between at least a fluid reservoir and the cover so that fluid can flow into the cover; and at least one outlet pipe configured to communicate with the cover and configured to provide a fluid conduit so that fluid can flow out of the cover, wherein the fluid in the cover comprises physiologically active components; pumping fluid through at least the inlet pipe, the cover, and the outlet pipe; cleansing the fluid that flows out of the cover; regulating the fluid that flows out of the cover so that a portion of the fluid that flows out of the cover comprising physiologically active components is recirculated back to the cover without passing through the reservoir after being cleansed and a portion of the fluid that flows out of the cover is bled through a bleed mechanism and is provided to a waste reservoir to relieve pressure within the cover; and heating the fluid before the fluid enters the cover to maintain the wound at an approximately normothermic range to optimize the metabolic activities of the physiologically active components within the cover and promote wound healing.

For example and without limitation, as discussed during the interview, Applicants submit that Swanbeck in view of Shettigar does not disclose, suggest, or render obvious, inter alia, a method of treating a wound, comprising regulating the fluid that flows out of the cover so that a portion of the fluid that flows out of the cover comprising physiologically active components is recirculated back to the cover “without passing through the reservoir” after being cleansed and a

portion of the fluid that flows out of the cover is bled through a bleed mechanism and is provided to a waste reservoir "to relieve pressure within the cover."

Regarding Applicants' amended Claim 19, Applicants submit that Swanbeck in view of Shettigar does not disclose, suggest, or render obvious, inter alia, an apparatus for irrigating, supplying thermal energy to, and cleansing wounds, comprising: a wound dressing comprising a backing layer configured to form a relatively fluid-tight seal around at least a portion of a wound; at least one inlet pipe configured to communicate with the backing layer and to provide a fluid conduit into the backing layer; at least one outlet pipe configured to communicate with the backing layer and to provide a fluid conduit out of the backing layer; a fluid reservoir comprising irrigation fluid in fluid communication with the inlet pipe to supply irrigation fluid from the fluid reservoir into the backing layer; a fluid pump configured to pump fluid through at least the inlet pipe, the backing layer, and the outlet pipe; a fluid cleansing mechanism in fluid communication with the outlet pipe; a recirculation tube in fluid communication with the fluid cleansing mechanism configured to recirculate fluid cleansed by the fluid cleansing mechanism back into the inlet pipe without passing through the fluid reservoir, the fluid recirculation tube having a bleed valve to bleed fluid from the recirculation tube to relieve pressure within at least a portion of the apparatus, the recirculated fluid comprising physiologically active components; and a heat source configured to heat at least the recirculated fluid before the fluid enters the backing layer, the heat source configured so that the fluid maintains the wound at an approximately normothermic range to optimize the metabolic activities of physiologically active components within the backing layer and promote wound healing.

For example and without limitation, as discussed during the interview, Applicants submit that Swanbeck in view of Shettigar does not disclose, suggest, or render obvious, inter alia, an apparatus for irrigating, supplying thermal energy to, and cleansing wounds, comprising a recirculation tube in fluid communication with the fluid cleansing mechanism configured to recirculate fluid cleansed by the fluid cleansing mechanism back into the inlet pipe "without passing through the fluid reservoir," the fluid recirculation tube having a bleed valve to bleed fluid from the recirculation tube "to relieve pressure within at least a portion of the apparatus."

Regarding Claims 2-5, 10, 12-13, 15, 18, 20, 22, and 24-29, Applicants submit that Swanbeck in view of Shettigar does not disclose, suggest, or render obvious any of these claims

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because Swanbeck in view of Shettigar does not disclose, suggest, or render obvious the claim or claims from which Claims 2-5, 10, 12-13, 15, 18, 20, 22, and 24-29 depend and also because Claims 2-5, 10, 12-13, 15, 18, 20, 22, and 24-29 set forth further patentable distinctions not disclosed, suggested, or rendered obvious over Swanbeck in view of Shettigar.

*Claim Rejections – 35 U.S.C. 103 – Claims 6-8:*

Claims 6-8 were rejected under 35 U.S.C. 103(a) as being unpatentable over Swanbeck in view of Shettigar and further in view of International Publication No. WO 00/50143 (“Burbank”).

Respectfully stated, Claims 6-8 are not unpatentable over Swanbeck in view of Shettigar and Burbank because Swanbeck in view of Shettigar and Burbank does not disclose, suggest, or render obvious all of the limitations set forth in the claims from which Claims 6-8 depend (described above), and also because the additional patentable limitations set forth in Claims 6-8 would not have been obvious to one of ordinary skill in the art at the time of the inventions in view of Swanbeck, Shettigar, and Burbank.

*Common Ownership of WO 2004/037334 (corresponding to U.S. Publication No. 2006/0155260 A1, now U.S. Patent No. 7,524,315) and the Present Application:*

Applicants hereby state that the claimed inventions in the present application and the subject matter disclosed in WO 2004/037334 (corresponding to U.S. Publication No. 2006/0155260 A1, now U.S. Patent No. 7,524,315) were both, at the time the inventions of the present application were made, owned by the assignee of the present application or subject to an obligation of assignment to the assignee of the present application.

Applicants invite Examiner Treyger to contact Applicants’ representative Gregg Koch (310-407-3471) to address any unresolved issues pertaining to U.S. Patent Application No. 10/533,766 or otherwise before another Office Action is prepared.

*Co-Pending Applications of Assignee*

Applicant wishes to draw the Examiner’s attention to the following co-pending applications of the present application’s assignee.

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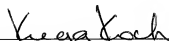
Docket No.	Serial No.	Title	Filed
SMNPH.003APC	10/576,263	WOUND CLEANSING APPARATUS WITH ACTIVES	09-Nov-2006
SMNPH.005APC	10/575,871	WOUND CLEANSING APPARATUS IN-SITU	29-Jan-2007
SMNPH.006APC	10/575,870	WOUND CLEANSING APPARATUS WITH SCAFFOLD	17-Apr-2006
SMNPH.007C1	11/957,860	WOUND CLEANSING APPARATUS WITH STRESS	17-Dec-2007
SMNPH.008APC	10/599,722	DRESSING AND APPARATUS FOR CLEANSING THE WOUNDS	19-Sep-2008
SMNPH.009APC	10/599,725	APPARATUS FOR CLEANSING WOUNDS WITH MEANS FOR SUPPLY OF THERMAL ENERGY TO THE THERAPY FLUID	22-Sep-2008
SMNPH.010APC	10/599,728	APPARATUS FOR ASPIRATING, IRRIGATING AND/OR CLEANSING WOUNDS	03-Nov-2008
SMNPH.011APC	11/577,642	SIMULTANEOUS ASPIRATE & IRRIGATE & SCAFFOLD	23-Aug-2007
SMNPH.014APC	11/919,355	WOUND TREATMENT APPARATUS AND METHOD	26-Oct-2007
SMNPH.015APC	11/919,369	WOUND TREATMENT APPARATUS AND METHOD	26-Oct-2007
SMNPH.016APC	11/919,354	WOUND TREATMENT APPARATUS AND METHOD	26-Oct-2007
SMNPH.017APC	12/066,578	APPARATUS WITH ACTIVES FROM TISSUE	12-Mar-2008
SMNPH.018APC	12/066,730	APPARATUS WITH ACTIVES FROM TISSUE	13-Mar-2008
SMNPH.019APC	12/066,585	APPARATUS	12-Mar-2008
SMNPH.002C1	12/416,829	APPARATUS FOR ASPIRATING, IRRIGATING AND CLEANSING WOUNDS	01-Apr-2009

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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